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Constitutional Law Taking Private Property for Public Use—Forbidding the Use of Land for Advertising Purposes—Quære, as to the Right in Virginia to Tax Advertising.—Forbidding the use of land near a park or park way for advertising purposes is held, in *Com. v. Boston Advertising Co.* (Mass.), 69 L. R. A. 817, to amount to a taking of it for public use, for which compensation must be made.

Pleading and Practice—Replevin Will Lie for Growing Strawberry Plants although They Are Attached to the Soil.—That replevin lies for growing strawberry plants, although they are attached to the soil, is declared in *Cannon v. Mathews* (Ark.), 69 L. R. A. 827, since they are fruits of industry, and must be treated as chattels.

Personal Injury—Occupant of Lower Floor Blocking Stairway Leading to the Ground.—The occupant of the lower floors of a building, who blocks the stairway leading from the upper floor to the ground, so that a tenant of such floor, in seeking to escape a fire, is compelled to drop a considerable distance to reach the ground, is held, in *Cohn v. May* (Pa.), 69 L. R. A. 800, to be liable for the injury resulting to him therefrom.

Injunction—Bill—Verification.—In *Baltimore Bargain House v. St. Clair, et als.*, 52 S. E. 660, the supreme court of appeals of West Virginia held, that a bill of injunction may be sworn to by the agent or attorney of the plaintiff, but, if so, it must appear from the verification that the person verifying the bill knows the contents thereof; otherwise, the verification is fatally defective.

Curtesy—Wife Not Actually Seized of Premises during Her Lifetime.—In *Collins v. Russell et als.*, decided by the court of appeals of New York, February 13, 1906, it was held, that a husband is not entitled to curtesy in improved lands in which his wife had only a residuary estate and was never actually seized of the premises, and who died while the life tenant was still in possession. This is so though the estate was created by deed.

Discharge of Debt—Payment of Less than Is Due.—The payment of less than is due is held, in *Dreyfus v. Roberts* (Ark.), 69 L. R. A. 823, to discharge the debt when an agreement to that effect is fully executed, and the discharge is evidenced by a written receipt for the lesser sum in full satisfaction of the greater one.

Personal Injury—Railroads—Stile over Wire Fence Adjoining Railroad Station—Duty of Company to Repair.—A railroad company

which expressly or by implication invites its passengers to use a stile over a wire fence in leaving its grounds is held, in *Cotant v. Boone Suburban R. Co.* (Iowa), 69 L. R. A. 982, to be bound to use at least ordinary care in seeing that it is fit for the purpose intended, although the stile was not erected by it, and the defective part is not on its property, but on property where it has no right to go to make inspection or repairs.

Conflict of Laws—Married Woman Becoming Surety for a Note Payable in a State Where Such Contract Was Invalid, though Valid at Her Domicile.—That a note for the payment of which a married woman becomes surety is made payable in a state where such contract is invalid, is held, in *Garrigue v. Keller* (Ind.), 69 L. R. A. 870, not to defeat her liability, although the suit is brought in that state, if the contract was valid at her domicile where it was executed.

Corporations—Contract for Repurchase of Its Own Stock Valid.—The power of a corporation to make valid contracts for the repurchase of its own stock in the absence of charter restrictions is sustained in *Wisconsin Lumber Co. v. Greene & W. Teleph. Co.* (Iowa), 69 L. R. A. 968.

Nuisance—Noises from a Chicken Yard Making Neighboring Property Uncomfortable as a Residence for Invalids.—The characteristic noises and odors issuing from a chicken house and yard, which are maintained in a cleanly manner and cared for so as not injuriously to affect the health of any normal person in the neighborhood, are held, in *Wade v. Miller* (Mass.), 69 L. R. A. 820, not to be a nuisance, although they may make neighboring property uncomfortable as a residence for invalids.

Real Estate—Contract to Purchase—Encumbrances—Right of Municipality to Open Street over This Property.—The right to enforce payment of the money under a contract to purchase real estate which stipulates that the property shall be clear of all encumbrances is denied in *Taylor v. Evans* (Pa.), 69 L. R. A. 790, where the title has not been accepted, and there is an existing right on the part of the municipality to open a platted street over the property, which will destroy the buildings without making compensation for them.

Divorce a Vinculo—Effect of on a Legacy in the Will of a Husband in Favor of a Wife.—The granting of an absolute divorce is held in *Re Jones* (Pa.), 69 L. R. A. 940, not to revoke, by implication,